

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Shikio YOSHIDA et al.

Application No.: 10/823,574

Confirmation No.: 4815

Filed: April 14, 2004

Art Unit: 2618

For: WIRELESS TRANSMISSION MODULE

Examiner: Z. Lu

REASONS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In addition to the Notice of Appeal which is being concurrently filed, Applicants respectfully request a Pre-Appeal Brief Conference to consider the issues raised in the Office Action dated January 31, 2008, that finally rejects claims 2-11.

Applicants respectfully submit that the Examiner has made the following clear errors:

- (1) The Examiner's rejection fails to establish at least the claimed wireless transmission and reception card;
- (2) The reference Zilberbery fails to make up for the deficiencies in Iwata;
- (3) The Examiner's rejection fails to establish at least the claimed compatible communication interfaces; and
- (4) Winstead fails to make up for the deficiencies in Iwata and Zilberberg.

The Examiner's Rejection Fails to Establish At Least the Claimed Wireless Transmission and Reception Card

Claims 2 and 9 require a wireless transmission and reception card comprising a pole-shaped antenna, a main face, and a transmitter and receiver.

The Office Action is silent with respect to the claimed "wireless transmission and reception card." The Office Action indicates that antenna matching means 19 of Iwata teaches the claimed mount on which the wireless transmission and reception card is mounted. The Office Action is silent with respect to the claimed "main face" of the card. The Office Action refers to Fig. 4 of Iwata with respect to the claimed "transmitter and receiver."

However, Iwata discloses that a "transmitter and receiver circuit is housed in a casing (not shown), which is in turn held by a belt or the like of a user." (Iwata at col. 4, lines 12-14). Thus, the antenna 20 is completely separate from the transmitter and receiver circuit shown in Fig. 4, and subsequently is not part of a wireless transmission and reception card. To the contrary, claims 2 and 9 require the wireless transmission and reception card comprising a pole-shaped antenna. Furthermore, it follows that antenna matching means 19 of Iwata does not constitute a mount on which a wireless transmission and reception card is mounted.

Accordingly, Applicants traverse the Examiner's rejection.

Zilberbery Fails to Make Up for the Deficiencies in Iwata

The Examiner's rejection alleges that Zilberbery shows in Fig. 3, and in column 6, lines 33-38, putting the pole shaped antenna above the level of the user's face in normal use state.

Applicants submit that Zilberberg's Fig. 3 shows an antenna located behind the user's face, not above the user's face. To the contrary, claims 2 and 9 require the feature that "in the normal use state, the pole-shaped antenna of the wireless transmission/reception card never comes below the level of the user's face."

The Examiner's Rejection Fails to Establish At Least the Claimed Compatible Communication Interfaces

In an additional assertion pertaining to claim 9, the Examiner implies that an electrical appliance "obviously exists for wireless headset to communicate with." The Office Action is

silent with respect to the claimed feature of "wherein the headset and the electric appliance have communication interfaces compatible with each other."

Subsequently, Applicants submit that the rejection fails to show the claimed compatible communication interfaces for each of the headset and electric appliance as required in claim 9.

Winstead Fails to Make Up for the Deficiencies in Iwata and Zilberberg

Claims 4, 7, and 10, recite the additional feature that the mount on which the wireless transmission and reception card is mounted, is "rotatable."

The Office Action admits that Iwata and Zilberberg do not disclose the claimed feature of the mount being rotatable. Instead, the Office Action alleges that Winstead teaches a wireless receiver having a rotatable mount for an antenna (Figs. 7-7B).

Winstead discloses a flat antenna 20 for a radiotelephone, where the flat antenna 20 has a flip configuration and hinge.

Applicants submit that Winstead does not teach or suggest a mount on which the wireless transmission and reception card is mounted. Accordingly, Applicants submit that Winstead fails to make up for the deficiency of failing to disclose the claimed feature that the mount on which the wireless transmission and reception card is mounted, is "rotatable," as required by claims 4, 7, and 10.

Accordingly, the rejection fails to establish prima facie obviousness for at least claims 4, 7, and 10.

In view of the above errors in the Examiner's rejection, applicant believes the pending application is in condition for allowance.

Conclusion

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact **Robert Downs** Reg. No. 48,222 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No. 10/823,574
Amendment dated March 28, 2008
After Final Office Action of January 31, 2008

Docket No.: 2936-0216PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: March 28, 2008

Respectfully submitted,

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